

4-9-240 TEMPORARY USE PERMITS:**A. PURPOSE:**

A temporary use permit allows a use or structure on private or public property on a short-term basis. Such uses or structures may be allowed subject to modified development standards which would not be appropriate for permanent uses in the zoning designation.

B. APPLICABILITY:

1. Exemptions: The following uses and structures do not require a temporary use permit provided they are associated with an approved land use application and/or an active building or construction permit and approved by the Development Services Division Director.

- a. Contractor's office, storage yard, and equipment parking and servicing on or near the site or in the vicinity of an active construction project.
- b. One model home located on an existing lot, and located within the subdivision or residential development to which they pertain.
- c. Sales/marketing trailers used for the purpose of real estate sales and/or rental information, located within the subdivision or development to which they pertain.

2. City-Sponsored Events: The following uses are exempt from permit requirements: City-sponsored community fairs, festivals, or events, subject to the approval of the Mayor's office.

3. Other uses or structures: The following uses or structures are separated into Tier I and Tier II temporary use categories. Those in the Tier I category are processed as Type I land use applications and those in the Tier II category are processed as Type II applications. The Administrator or designee shall consider the following factors in determining the tier level for each activity: consistency with the underlying zone, impact on surrounding zones, length of period of time for duration of activity, and hours of operation. Projects subject to SEPA are processed differently.

a. Tier I: Examples of temporary uses in this category include activities allowed by the base zone, mobile food vendors located in the IL, IM, IH, CA, CV and CD zones, vehicle sales events, Christmas tree lots, ancillary sales events, and a temporary manufactured home for medical hardship. The Administrator or designee may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in keeping with the intent and purposes of this Section.

b. Tier II: Examples of temporary uses in this category include activities limited or prohibited by the base zone, mobile food vendors not located in the IL, IM, CA, CV and CD zones, and storage trailers. Other uses in this category include circuses, carnivals, fairs, or similar transient amusement or recreational activities. Also included are model homes, equaling the lesser of five (5) homes or twenty percent (20%) of the total lots, when located within the subdivision or residential development to which they pertain. The Administrator or designee may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in keeping with the intent and purposes of this Section.

C. USES WHICH MAY BE PERMITTED:

- ~~1. Occupancy of a temporary structure (existing home, mobile home or travel trailer with adequate water and sewer/septic service) on the same lot while a residential building is being constructed or while a damaged residential building is being repaired, and when a valid residential building permit is in force. The permit may be granted for up to one hundred eighty (180) days but cannot exceed the expiration date of the building permit.~~
- ~~2. Model homes, equaling the lesser of five (5) homes or twenty percent (20%) of the total lots, when located within the subdivision or residential development to which they pertain.~~
- ~~3. Circuses, carnivals, fairs, or similar transient amusement or recreational activities.~~
- ~~4. Temporary parking lots/areas.~~
- ~~5. Mobile food vendors: Vendors shall comply with all standards established by the Seattle-King County Health Department. In addition in the IL, IM, IH, CA, CV and CD zones, mobile food vendors are a permitted use but no licensed vending unit shall remain at the permitted location between 12:00 a.m. (midnight) and 5:00 a.m. on a daily basis, except for a special event where a unit is allowed at the same location for up to seventy two (72) hours. For all other zones, a temporary use permit is required.~~
- ~~6. Temporary manufactured home for medical hardship.~~
- ~~7. The Planning/Building/Public Works Administrator or designee may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in keeping with the intent and purposes of this Section.~~

C. ADDITIONAL CONDITIONS FOR VEHICLE SALES EVENTS AND MOBILE FOOD VENDORS:

1. Vehicle Sales Events: For properties in the Automall as shown in RMC 4-3-040 or the Employment Area Valley land use designation, no more than one (1) vehicle sales event shall be allowed per quarter of the year (year beginning January 1st) per property or development as determined by the Community and Economic Development Administrator or designee. The retail sales use must be allowed in the base zone. Further, each such event shall only be permitted for a maximum of seven (7) consecutive days per quarter.
2. Mobile Food Vendors: Vendors shall comply with all standards established by the Seattle-King County Health Department. In addition in the IL, IM, IH, CA, CV and CD zones, mobile food vendors are a permitted use but no licensed vending unit shall remain at the permitted location between 12:00 a.m. (midnight) and 5:00 a.m. on a daily basis, except for a special event where a unit is allowed at the same location for up to seventy-two (72) hours. For all other zones, a temporary use permit is required.

D. SUBMITTAL REQUIREMENTS AND APPLICATION FEES:

Shall be as listed in RMC 4-8-120C, Land Use Applications, and 4-1-170, Land Use Review Fees.

E. PUBLIC NOTICE AND COMMENT PERIOD:

Shall be as listed in RMC [4-8-090](#), Public Notice Requirements, except that public notice is not required for applications requesting a temporary manufactured home for medical hardship.

F. WAIVER OF REQUIREMENTS AND FEES:

Except for sign requirements of RMC [4-8-090](#), the Community and Economic Development Administrator [or designee](#) may waive specific application requirements determined to be unnecessary for review of an application. The Administrator may waive the permit application fee for public service activities and nonprofit organizations.

G. APPLICATION PROCESS AND REVIEW AUTHORITY:

The Community and Economic Development Administrator [or designee](#) shall, in consultation with appropriate City departments, review and decide upon each application for a temporary use permit. The Administrator [or designee](#) may approve, modify, or condition an application for a temporary use permit.

H. DECISION CRITERIA:

The Community and Economic Development Administrator or designee may approve, modify, or condition an application for a temporary use permit, based on consideration of the following factors:

1. The temporary use will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the vicinity of the temporary use; and
2. Adequate parking facilities and vehicle ingress and egress are provided to serve the temporary use and any existing uses on the site; and
3. Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses; and
4. The temporary use will not cause nuisance factors such as noise, light, or glare which adversely impacts surrounding uses; ~~and~~
- [5. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use; and](#)
- ~~56.~~ If applicable, the applicant has obtained the required right-of-way use permit.

I. SPECIAL CRITERIA FOR TEMPORARY MANUFACTURED HOME FOR MEDICAL HARDSHIP:

In lieu of the criteria in subsection H of this Section, a manufactured home which complies with HUD standards may be permitted as a temporary dwelling on the same lot as a permanent dwelling provided the applicant demonstrates the temporary dwelling is necessary to provide daily care to an individual certified by a physician as needing such care. The primary provider of daily care shall reside on-site; the manufactured home together with the permanent residence shall meet the setback, height, building footprint, and lot coverage provisions for the applicable zone.

J. CONDITIONS OF APPROVAL:

- 1. General:** The Community and Economic Development Administrator or designee may establish conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, requiring that notice be given to adjacent/abutting property owners prior to approval, time and

frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

2. Additional Requirements – for Model Homes: In addition to the requirements of subsections J1, General, and J2, Facilities Required, of this Section, the Planning/Building/Public Works Administrator or designee may require conditions of approval regarding access/roadway construction, temporary erosion control, utilities, street and lot addressing, building permits, staking of proposed lots underlying the model homes, staking of model home lot setbacks, plat approval, abatement agreements and indemnification, and security devices for removal of model homes if plat is not recorded.

K. OTHER REQUIRED PERMITS:

The temporary use may also require permits and inspections from both ~~the Fire~~ [Prevention Bureau](#) and [Emergency Services](#) and/or Development Services Division to ensure that the temporary use is in compliance with Fire/Building Codes.

L. EXPIRATION AND EXTENSION:

1. Standard Period of Validity: Except as specified in subsections ~~L2 and L3~~ of this Section, a temporary use permit is valid for up to one year from the effective date of the permit, unless the [Planning/Building/Public Works](#) ~~Community and Economic Development~~ Administrator or designee establishes a shorter time frame.

~~**2. Optional Extended Period of Validity:** The Planning/Building/Public Works Administrator or designee may approve a longer period of up to two (2) years for temporary sales or rental offices in subdivisions, multi-family or nonresidential projects or other longer term uses, if requested by the applicant at the time of application.~~

32. Special Expiration/Extension Periods for Manufactured Homes for Medical Hardship: The temporary use permit for a manufactured home for medical hardship shall be effective for twelve (12) months. Extension of the temporary use permit may be approved in twelve (12) month increments subject to demonstration of continuing medical hardship. The manufactured home shall be removed within ninety (90) days of the expiration of the temporary use permit or the cessation of provision of daily care.

M. REMOVAL OF TEMPORARY USE REQUIRED:

Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.

N. SECURITY:

The Community and Economic Development Administrator or designee may require security in conformance with RMC [4-9-060C](#) to assure compliance with the provisions of the temporary use permit as approved if required. The amount of the security will be determined by the [Community and Economic Development](#) Administrator or designee, but in no case shall it be less than one thousand dollars (\$1,000.00). The security may be used by the City to abate the use and/or facilities.

O. PERMIT REVOCATION:

1. Revocation of Temporary Use Permit: Should the Community and Economic Development Administrator or ~~the Administrator's~~ designee determine that information has

been provided to the City which was false, incomplete, or has changed, such that the decision criteria in subsection H of this Section are incorrect, false, or have not been met, or the temporary use actually being used is different than or greater than that applied for, or if the use itself is a nuisance, unhealthy, unsafe or poses a substantial risk of harm to persons or property, then the Administrator [or designee](#) may revoke the temporary use permit upon ten (10) days' written notice, unless an emergency exists, in which case the Administrator [or designee](#) may declare such an emergency and immediately revoke the temporary use permit.